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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/589,613
Filing Date: August 16, 2006
Appellant(s): MENDIS ET AL.

Leonidas Boutsikaris
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12/07/2009 appealing from the Office action mailed 09/04/2009.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

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(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

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(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-21 and 23-28 are rejected under 35 U.S.C. 102(b) as being anticipated by Madrane (6573907).

Re claim 1, Madrane discloses a data handling device comprising a display (column 2 lines 1-2 for example) for displaying representations of the media objects (see abstract, root images for example), data storage means (see column 20 lines 24-26 for example) for allocating metadata tags (see column 13 line 66 to column 14 line 1, information designating these objects as “extractable” for example) to the media objects, an input device (interface viewer unit for example) comprising means to allow (e.g., not prevent) a representation of a selected media object (e.g., area of interest) to be selectively moved by a user into a region of the display (e.g., the area of interest is moved until it takes up the whole display, when moving up close) representing a selected set of metadata tags (e.g., when moving up close, the display represents the area of interest, which includes metadata tags) (see figures 17-18; col. 12, l. 57 to col. 13, l. 15), and user activated means for causing the selected set of metadata tags to be added to those allocated to the selected media object in the data storage means (see column 13 line 66 to column 14 line 3; column 30, l. 5-17) (e.g., a designer may designate an area of interest of an image to be extractable, and to be bounded and associated with a URL).

Re claim 2, Madrane discloses a data handling device, configured to allow a user to generate additional metadata tags (see column 15, lines 18-20, additional text for example) having new values, such that the media objects may be further categorized.

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Re claim 3, Madrane discloses a data handling device, configured to allow a user to obtain a view of media objects to which one or more of a predetermined plurality of metadata tags have been added (see figure 43 for example).

Re claim 4, Madrane discloses a data handling device, configured to allow a user to obtain a view of media objects to which each of a predetermined plurality of metadata tags have been added (see figure 35 for example).

Re claim 5, Madrane discloses a data handling device, wherein means are provided to provide user control of the maximum number of metadata tag sets to be displayed (define how many, see column 7 line27 for example).

Re claim 6, Madrane discloses a data handling device, in which representations of the media objects are capable of being moved between regions of the display area representing sets of metadata tags having pre-defined values (identify which are “hot objects”, see column 7 lines 30-31 for example).

Re claim 7, Madrane discloses a data handling device, comprising means for removing a representation of a selected media object from one display area and adding it to a second area, thereby applying the metadata tag set associated with the second area to the selected media object in place of the set of metadata tags associated with the first area (see column 7 lines 30-33 for example).

Re claim 8, Madrane discloses a data handling device wherein a representation of a media object selected from a display area associated with a first metadata tag set applied to the media object may remain there whilst a copy of the selected media object is placed in a second area of the display area, thereby applying the metadata tag set associated with the second area to

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the media object in addition to the set associated with the first area (see column 20 lines 45-50 for example).

Re claim 9, Madrane discloses a data handling device, providing means for indicating the number of media objects associated with a given set of metadata tags (column 7 lines 25-31 for example).

Re claim 10, Madrane discloses a data handling device, providing means for indicating the number of metadata tags associated with one or more media objects (define how many...what image information, see column 7 lines 25-37 for example).

Re claim 11, Madrane discloses a data handling device, providing means for identifying media objects to which no metadata tags have been applied by providing a display area representing an empty set (identify which objects in the scene are "hot objects", see column 7 lines 30-34 for example).

Re claim 12, Madrane discloses a data handling device, providing means for selecting a subset of the media objects for allocating a given set of metadata tags ("hot objects" and what image information will be displayed, see column 7 lines 30-34 for example).

Re claim 13, Madrane discloses a data handling device, providing means for making the size of the display area allocated to each set of metadata tags proportional to the number of media objects portrayed therein (see column 5 lines 34-40 for example).

Re claim 14, Madrane discloses a computer program or suite of computer programs for use with one or more computers to provide any of the apparatus as set out in claim 1 (see column 2 line 10 for example).

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Re claim 15, Madrane discloses a method of organizing and storing media objects for subsequent retrieval, the media objects being represented in a display, wherein in which metadata tags are applied to the media objects by selecting an individual media object from the display, and causing a set of metadata tags to be added to the selected media object by selectively placing a representation of the selected media object in a region of the display selected to represent the set of metadata tags to be added (see column 7 lines 25-35 for example).

Re claim 16, Madrane discloses a method, in which a user may generate additional metadata tags having new values, such that the media objects may be further categorized (see column 15 lines 17-20 for example).

Re claim 17, Madrane discloses a method, wherein a view is provided of media objects to which one or more of a predetermined plurality of metadata tags have been added (see column 15 lines 17-20, see figure 43 for example).

Re claim 18, Madrane discloses a method, wherein a view is provided of media objects to which each of a predetermined plurality of metadata tags have been added (see figure 35 for example).

Re claim 19, Madrane discloses a method, wherein provision is made to control the maximum number of categories to be displayed (define how many, see column 7 line 27 for example).

Re claim 20, Madrane discloses a method, in which representations of the media objects are moved between regions of the display area representing sets of metadata tags having pre-defined values (see column 7 lines 30-31 for example).

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Re claim 21, Madrane discloses a method, wherein a representation of a media object is selected from a first display area associated with a first metadata tag set, and a copy of the selected representation is placed in a second area of the display whilst the original representation remains in the first area, thereby applying the metadata tag set associated with the second area to the media object, in addition to the set associated with the first area (see column 20 lines 45-50 for example).

Re claim 23, Madrane discloses a method, wherein the number of media objects associated with a given set of metadata tags is indicated (see column 7 lines 25-31 for example).

Re claim 24, Madrane discloses a method, wherein the number of metadata tags associated with one or more media objects is indicated (see column 7 lines 25-37 for example).

Re claim 25, Madrane discloses a method, wherein media objects to which no metadata tags have been applied are identified by providing a display area representing an empty set (see column 7 lines 25-37 for example).

Re claim 26, Madrane discloses a method, wherein a subset of the media objects may be selected for allocation of a given set of metadata tags (see column 7 lines 25-35 for example).

Re claim 27, Madrane discloses a method, wherein the size of the display area allocated to each set of metadata tags is proportional to the number of media objects portrayed therein (see column 5 lines 34-40 for example).

Re claim 28, Madrane discloses a computer program or suite of computer programs for use with one or more computers to provide the method of claim 15 (see column 2 line 10 for example).

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Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Madrane

Re claim 22, Madrane substantially discloses a method as set forth in claim 20 above.

Madrane does not explicitly disclose a representation of a selected media object may be removed from a first display area associated with one metadata tag set when added to a second display area, thereby applying the set of metadata tags associated with the second display area to the selected media item in place of the set of metadata tags associated with the first display area.

Madrane teaches of applying the set of metadata tags associated with the second display area to the selected media item in place of the set of metadata tags associated with the first display area when added to a second display area. Deleting functions are well known. It would have been an obvious matter of design choice to have a representation of a selected media object may be removed from a first display area associated with one metadata tag set when added to a second display area, since such a modification would have involved the mere application of a known technique to a piece of prior art ready for improvement. Where a claimed improvement on a device or apparatus is no more than "the simple substitution of one known element for another or the mere application of a known technique to a piece of prior art ready for improvement," the claim is unpatentable under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ2d 1509, 1518-19 (BPAI, 2007) (citing *KSR v. Teleflex*, 127 S.Ct. 1727, 1740, 82 USPQ2d 1385, 1396 (2007)).

Accordingly Applicant claims a combination that only unites old elements with no change in the respective functions of those old elements, and the combination of those elements yields predictable results; absent evidence that the modifications necessary to effect the combination of elements is uniquely challenging or difficult for one of ordinary skill in the art, the claim is

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unpatentable as obvious under 35 U.S.C. 103(a). *Ex Parte Smith*, 83 USPQ.2d at 1518-19 (BPAI, 2007) (citing *KSR*, 127 S.Ct. at 1740, 82 USPQ2d at 1396).

(10) Response to Argument

Appellant's arguments have been fully considered but are not persuasive. Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention.

Appellant argues:

1) First, Madrane does not teach displaying on the display various regions representing various values of the metadata tags. Instead, in Madrane, the metadata tags are located in the various interface data files FDli 10, associated with respective video sequences, which can be "root images", i.e., a collection of selective video frames from the entire video sequence. Fig. 2 in Madrane shows that the video sequences 8, the respective metadata files 10, and the video interface application program 11, are recorded on the CD-ROM (col. 11, lines 62-67). None of the frames of the various root images shown in Figs. 4 and 17-18 shows regions representing selected sets of metadata tags. Instead, what is displayed in the various frames is merely scenes of the video sequence, without any information related to metadata values, let alone metadata values selected by the user. In Madrane, the metadata information is stored in conventional data file format, including a header and the information related to the respective video sequences, i.e., identification of the associated video sequence, identification of basic frames, identities and location of extractable objects, etc (page 15, penultimate paragraph).

Examiner disagrees.

As to 1), Madrane (fig. 7B; col. 13, 1.60 to col. 14, 1. 15) teaches a designer designating a video of a person walking from left to right as interesting, and a user clicking on said person walking causing all extraneous portions of the displayed frames to disappear, and the person walking appearing to move from the left side of the screen to the right side of the screen. Further, Madrane (see fig. 6B) teaches a

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designer designating an object in a display as interesting, placing the object of interest at the center of the screen and zooming in on it, while other distant objects are omitted. A user would then be enabled to click on the image designated as interesting and cause the image to be zoomed in while other distant object are omitted from the display. Thus, Madrane clearly teaches various display regions (e.g., the regions associated with the image of the person walking, or the image to be zoomed) representing various values of the metadata tags (e.g., the video images are tagged as interesting, and metadata associated with the tags direct how images would be displayed if a user were to click on them).

Appellant argues:

2) Even assuming *arguendo* that it were accepted, the center of the screen (to which the object of the interest may be placed by the designer as alleged by the Examiner) does not represent a selected set of metadata tags. Madrane therefore fails to disclose a region of the display representing a selected set of metadata tags as claimed (page 15, last paragraph).

Examiner disagrees.

As to 2), as stated above in 1), when a designer designates an object as interesting, places an object in the center of the screen, and then zooms on it, the designer adds metadata to the designated (i.e., tagged) image that enables a user to click on the image to enlarge it. Thus, Madrane clearly teaches a region of the display representing a selected set of metadata tags as claimed.

Appellant argues:

3) Moreover, unlike the Examiner's assertion, Madrane does not disclose selectively moving a representation of a selected media object to a region of the display. Instead, in Madrane, the user designates a position on the screen as a viewing position relative to the displayed image (by clicking with the computer mouse). This causes a different sequence of video frames to be displayed (depending on the point of view chosen by the user), see, for example, Figs. 5A-5C. However, this is not the same as moving the media object (which is the root image) around on the display, as required by claims 1 and 15.

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The root image, i.e., the cuboid comprising the various frames, remains in the same location, with only the flow of the constituent frames changing (page 16, antepenultimate paragraph).

Examiner disagrees.

As to 3), as acknowledged by Appellant, Madrane teaches enabling a user to designate a viewing position to view a root image comprising various frames, with the result that a different sequence of video frames is displayed, different than the original flow of the root image comprising various frames. As one of ordinary skill in the art would understand, this is the same as applying a function to the root images to enable a user, through the applied functions, to specify a viewing position, with the result that the root images are displayed differently than if no function were applied. Thus, Madrane does teach selectively moving a representation of a selected media object to a region of the display.

Appellant argues:

4) Even if one considers one or more of the objects appearing in the various video frames as the claimed media objects (for example, the two people in Figs. 7A, 7B), the user cannot selectively move those objects, instead, the user can only watch the flow of the sequence of the video frames that include those objects. The language of claim 1 specifically recites "allow a representation of a selected media object to be selectively moved by a user."

Examiner disagrees.

As to 4), one of ordinary skill in the art would recognize that it is the same to "selectively move objects" than to "watch a flow of a sequence of the video frames that include those objects" as a user designates viewing positions of a root image that include those objects.

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Appellant argues:

5) The Examiner referred to the "zooming" of the root image (by selecting a designation point close to the root image displayed on the screen) as reading on the claimed moving of the selected media object. However, as mentioned above, the root image does not move. What happens with the "zooming" is that additional frames are displayed, so that a more detailed version of the video sequence is shown, "when the user designates a viewing position close up to the interactive video icon, the image information in the area of interest should be enriched. This is achieved by including, in the displayed image, image data relating to additional video frames besides the basic video frames", see col. 12, line 67 to col. 13, line 4 in Madrane. In other words, a selected portion of the video icon is not moved, instead additional frames in proximity to the selected portion of the video icon are displayed (page 16, last paragraph).

Examiner disagrees.

As to 5), one of ordinary skill in the art would readily recognize that both the instant invention and Madrane behave similarly, in that what is displayed is an illusion of a selected image that appears to move across the screen. In both the instant application and Madrane, the illusion of a selected image moving across the screen is generated by "additional frames that are displayed, so that a more detailed version of the video sequence is shown" (e.g., in the case of a zoom function). Appellant readily acknowledges that Madrane teaches the additional frames.

Appellant argues:

6) In the Response to Arguments section of the final Office Action of September 4, 2009, the Examiner stated "Thus, clearly, a designer designating the person walking as interesting causes metadata tags to be added to a media object based on where the object is placed in the display", see bottom of p. 10 of the Office Action. First, in Madrane, it is the designer that sets values for the metadata tags, not the user ("The designer of the interface has decided that the two people are objects that may be of interest to the end user. Accordingly, he has included, in the interface data file, information designating

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these objects as "extractable", see col. 13, line 64 to col. 14, line 1). Second, no metadata tags are added to the object, i.e., the two people walking toward each other, instead, the various video frames in the sequence of frames are altered so that only the two objects are displayed. However, this action is caused because of the metadata tags associated with those objects previously. As the two people are shown in the various video frames (see Fig. 7B), they do not carry with them added metadata tags. The tags stay in the interface data file, set there by the designer not the user. As noted above, the Examiner also stated (see p. 11 of the final Office Action of September 4, 2009) that "a user indeed tags objects according to where the user places them in the display itself, for example, in a screen of a zoomed in image, the object of interest would be at the center of the screen, where the designer place[s] it, while other distant objects may be omitted". As alluded to above, moving or placing the user designated item (the person walking) to the center of the screen does not result in selected metadata tags being added to the user designated item (the person walking). Madrane's center of the screen does not represent any metadata tags, and thus moving or placing the walking person or any other item designated in Madrane's center of the screen would not result in the addition of metadata tags to that item (page 17, last paragraph, page 18, first paragraph).

Examiner disagrees.

As to 6), as acknowledged by Appellant, a designer designates the two people walking toward each other, i.e., the objects, as interesting to a user, and accordingly, the designer designates them as extractable, therefore associating metadata tags with those objects. A user then is able to select the objects so that only the two objects are displayed. Thus, as acknowledged by Appellant, a user is able to perform this action "because of the metadata tags associated with those objects," and therefore, moving or placing the designer designate item to the center of the screen does indeed result in selected metadata tags being added to the designer designated item. Further, Appellant alleges that Examiner, in a previous Office Action, stated that a "user" tags objects according to where the user places them in the display itself. One of ordinary skill in the art would readily recognize that by "user" Examiner meant "designer."

Appellant argues:

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7) Moreover, even though an object displayed on a frame may have a metadata tag associated with it (for example, designating it as being of interest for the user, which designation is done by the designer not the user), this does not mean that when this object moves around in subsequent frames, additional metadata tags are added to the object depending on where the object is. In Madrane, a user cannot tag objects in a video frame, or tag selective video frames or tag a "root image". The only tagging disclosed in Madrane is done by the designer prior to the release of the video data to the user, and this tagging has nothing to do with the user moving various video objects around on the display (page 18, penultimate paragraph).

Examiner disagrees.

As to 7), as acknowledged by Appellant, Madrane teaches tagging a video prior the release of the video to the user. One of ordinary skill in the art would readily recognize that the tagging is done in association with an action to be performed, i.e., displaying only the objects selected, zooming in on an object. Madrane (fig. 10; col. 16, l. 25-33) teaches that a designer moves various video objects around on the display in order to assign a particular action to a user selection. Thus, Madrane teaches that a designer can tag objects in a video frame, tag selective video frame, and tag a "root image."

Appellant argues:

8) The portion of Madrane cited by the Examiner as teaching this further limitation merely discloses storage of data in a local memory unit and has nothing to do with adding metadata tags based on the user moving the media object from a first location of the display to a second location in the display. See final Office Action at pages 4 and 6; and Madrane at column 20, lines 45-50. Indeed, the cited portion of Madrane does not even mention a display. As discussed above, Madrane does not teach moving a media object from a first region of the display to a second region of the display, while adding metadata tags to the object depending on the region the media object is. At most, Madrane teaches controlling the display of a sequence of video frames depending on a designation by the user (page 20, penultimate paragraph).

Examiner disagrees.

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As to 8), Examiner reiterates that references to specific columns, figures or lines should not be limiting in any way. The entire reference provides disclosure related to the claimed invention. As stated above in 7), Appellant acknowledges that Madrane teaches tagging a video prior the release of the video to the user. One of ordinary skill in the art would readily recognize that the tagging is done in association with an action to be performed, i.e., displaying only the objects selected, zooming in on an object. Madrane (fig. 10; col. 16, l. 25-33) teaches that a designer moves various video objects around on the display in order to assign a particular action to a user selection. Thus, Madrane teaches that a designer can tag objects in a video frame, tag selective video frame, and tag a "root image."

Appellant argues:

9) The above passage of Madrane merely discloses changing the size of the display image based on a user-designated viewing position (see, in particular, the bold faced portion of the above passage). There is absolutely no disclosure of the size of the display area allocated to each set of metadata tags proportional to the number of media objects portrayed therein (page 21, antepenultimate paragraph)

Examiner disagrees.

As to 9),

One of ordinary skill in the art would readily understand that Madrane teaches a user-designated viewing position to enable allocation in the display of each set of objects carrying metadata tags proportional to the number of media object portrayed therein. In other words, when a user designates a viewing position at a greater/lesser distance from the root image, a proportionally greater/lesser number of media objects are portrayed therein.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Jordany Núñez/

Examiner, Art Unit 2175

2/25/2010

Conferees:

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